

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/09/2020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSH FEIERSTEIN, <i>individually and on behalf of</i>	:	
<i>all others similarly situated</i>	:	
Plaintiff,	:	
	:	
-against-	:	19-CV-11361 (VEC)
	:	
CORREVIO PHARMA CORP., MARK H.N.	:	<u>ORDER</u>
CORRIGAN, WILLIAM HUNTER, JUSTIN A.	:	
RENZ,	:	
	:	
Defendants.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on September 3, 2020, Lead Plaintiffs filed an unopposed motion for the preliminary approval of a settlement and approval of dissemination of notice to the settlement class, Dkt. 53; and

WHEREAS the Court will conduct the fairness hearing on **Friday, May 14, 2021, at 2:30 P.M.** and the parties will be expected to appear in person, but the notice to objectors should inform objectors that they may participate in the hearing by conference call, using the call in number 1-888-363-4749, access code 3121171, and security code 1361;

IT IS ORDERED that the parties must submit a revised version of the Notice of (I) Pendency of Class Action and Proposed Settlement; (II) Settlement Fairness Hearing; and (III) Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses, Exhibit A-1, Dkt. 55-1 at 51–71, that includes the following revisions:

1. Add a space between the ; and (II) in the document caption;
2. Add the word "or" between who and which in line 3 of paragraph 20 on page 7;
3. Change "that statement" to "their statements" in line 6 of paragraph 21 on page 7;

4. Change “it was not made” to “they were not made” in line 7 of paragraph 21 on page 7;
5. Redraft paragraph 24 on page 8 to be more balanced. The paragraph currently describes what would happen if Plaintiffs could not prove their case. The paragraph must also address what would happen if no settlement agreement was reached but Plaintiffs could prove their case.
6. Delete the errant double underscore in line 8 of paragraph 31 on page 9;
7. Change the end of the last sentence of paragraph 59 on page 16 from “to be recommended by Lead Counsel.” to “to be recommended by Lead Counsel and approved by the Court.”;
8. Change “Settlement Class Members do not need to attend” to “Settlement Class Members may but do not need to attend” in line 1 of paragraph 67 on page 18;
9. Add the call in information for the fairness hearing listed above to paragraph 68 on page 18.

IT IS FURTHER ORDERED that the parties must submit a revised version of the Proof of Claim and Release, Exhibit A-2, Dkt. 55-1 at 72–85, that correctly spells the word “Southern” on page 9 under Section I.

IT IS FURTHER ORDERED that the parties must submit a revised version of the Summary Notice of (I) Pendency of Class Action and Proposed Settlement; (II) Settlement Fairness Hearing; and (III) Motion for an Award of Attorneys’ Fees and Reimbursement of Litigation Expenses, Exhibit A-3, Dkt. 55-1 at 86–88, that includes the date, time, and call in information for the Fairness Hearing on the bottom of page 1.

IT IS FURTHER ORDERED that the parties must submit a revised Proposed Order Preliminarily Approving Settlement and Providing for Notice, Dkt. 53-1, that includes the following revisions:

1. Inserts the date and time of the fairness hearing in paragraph 5 on page 3;
2. Inserts the call in information as listed above in paragraph 5 on page 3;
3. Changes all of the durations of time listed throughout the proposed order to actual dates based on a fairness hearing date of May 14, 2021 and a preliminary approval order date of Friday, November 20, 2020.


IT IS FURTHER ORDERED that by no later than **Monday, November 16, 2020**, the parties must submit the revised settlement documents that implement the revisions outlined in this Order. In addition to clean versions of these documents, the parties must also submit redlined versions of the Notice of (I) Pendency of Class Action and Proposed Settlement; (II) Settlement Fairness Hearing; and (III) Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses, Exhibit A-1, Dkt. 55-1 and of the Proposed Order Preliminarily Approving Settlement and Providing for Notice, Dkt. 53-1. The Parties should also email Chambers the revised Proposed Order in Microsoft Word format.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss, Dkt. 48, is dismissed as moot.

The Clerk of Court is respectfully directed to terminate the open motion at docket entry 48.

SO ORDERED.

Date: November 9, 2020
New York, New York



VALERIE CAPRONI
United States District Judge